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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

This Document Relates to:

ALL ACTIONS

Case No. 3:23-MD-3084-CRB

**DECLARATION OF KYLE SMITH IN
SUPPORT OF DEFENDANTS UBER
TECHNOLOGIES, INC., RASIER, LLC, AND
RASIER-CA, LLC'S BRIEF IN OPPOSITION
TO PLAINTIFFS' ADMINISTRATIVE
MOTION TO SHORTEN TIME**

Judge: Hon. Lisa J. Cisneros
Courtroom: G – 15th Floor

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DECLARATION OF KYLE SMITH

I, Kyle Smith, declare pursuant to 28 U.S.C. § 1746:

1. I am over the age of 18 and am a resident of Arlington, Virginia. I respectfully submit this declaration in support of Defendants Uber Technologies, Inc.'s, Rasier, LLC's, and Rasier-CA, LLC's (collectively, "Uber's") Opposition to Plaintiff's Motion to Shorten Time for Defendant Uber's Response to Plaintiffs' Motion to Enforce PTO No. 5 Related to Government Investigation Documents.

2. On January 31, 2024, Uber produced documents responsive to Paragraph 6B of the Court's Pretrial Order No. 5 ("PTO 5") that it had identified for production as of that time, including documents produced in response to five government inquiries covered by Paragraph 6B of PTO 5.

3. Uber has continued to search for documents responsive to Paragraph 6B since its January 31, 2024 production.

4. The parties held a meet and confer on February 7, 2024, in which Plaintiffs raised certain concerns about Uber's production, and Uber indicated that its search efforts to identify documents responsive to Paragraph 6B were ongoing. Following that meet and confer, Uber provided written correspondence to Plaintiffs dated February 8, 2024 addressing Plaintiffs' concerns. A copy of that letter is attached hereto as **Exhibit A**.

5. The February 8, 2024 letter indicated that Uber had identified additional responsive documents that it would be producing to plaintiffs beginning February 8, 2024, through to the following week. The February 8 letter also indicated that Uber's search efforts continued. Uber also identified in the February 8 letter the investigations or inquiries responsive to Paragraph 6B of which Uber was aware, beyond those reflected in the documents that had already been produced. Finally, the February 8 letter also expressed Uber's receptiveness to engage with Plaintiffs with a view towards narrowing any existing disputes, as well as a discussion of a compromise on an agreed schedule for shortening time on a motion to enforce, if one was filed, which would have required Uber's opposition to be filed within 11 days of the Plaintiffs' motion.

